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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,240	08/02/2001	Jason Wayne Wrape	20009.0159US01 (00205)	6011

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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/921,240	WRAPE, JASON WAYNE	
	Examiner	Art Unit	
	DOHM CHANKONG	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-16 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-12 and 20* is/are allowed.

6)☒ Claim(s) *13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Art Unit: 2152

DETAILED ACTION

1› This action is in response to Applicant's request for continued examination. Claims 10, 13, and 16 are amended. Claims 10-16 and 20 are presented for further examination.

2› This action is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3› A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1.30.2008 has been entered.

Response to Arguments

4› As to claim 16, Applicant argues that the cited references do not disclose a "network management module" residing within a server, where the module "compiles the one or more existing identifiers" and "remotely displays the one or more existing identifiers over an external third network in a web page." Specifically, Applicant argues that Ditmer's device that is responsible for compiling the identifiers does not reside in the web server but in a separate device, the PRS. Applicant cites a portion in Ditmer which describes the PRS device as a database. Applicant's arguments have been considered but they are not persuasive.

Applicant's claim merely recites that the management module resides in a web server but provides no definition for a "web server." Therefore, the term is given its broadest reasonable meaning. There are a variety of ways for defining "web server" because a server can take a variety of forms in a network. At its broadest, a web server is nothing more than a device on a network that stores and responds to requests for files or services. One of ordinary skill in the art would have interpreted Ditmer's PRS device as a server since it is a device on a network that stores files and responds to requests for these files in the form of a web page [column 15 «lines 36-55» | column 16 «lines 38-67»].

Applicant's argument that Ditmer's poller "cannot itself send or receive communications over the internet" is also unavailing because it Ditmer clearly discloses that the poller can send and receive communications over the Internet [column 15 «lines 47-54»]. Ditmer further discloses presenting the information to a user through a web page [column 16 «lines 38-67].

Based on the foregoing, Applicant's arguments are not found persuasive. Ditmer's PRS device and the poller within the device read on Applicant's claimed web server and management module respectively.

Allowable Subject Matter

5› Claims 10-12 and 20 are allowed. The following is an examiner's statement of reasons for allowance: Applicant's amendment to claims 10 distinguishes the claimed invention over the prior art. Specifically, Applicant's amendments directed towards a request from a browser is chosen from a group consisting of a state, a group of states, and a portion of a state

and existing identifier information consisting of an identification of the Source Switch, a Source Logical Port Name, a Source DLCI, a Source Service Type, and further including at least an identification of the Destination Switch, a Destination logical Port name, a Destination DLCI, a Destination Service Type and a Committed Information Rate are not taught in combination with the other features of Applicant's claimed invention. As such, claims 10-12 and 20 are allowed.

6> Claims 13-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7> Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13-15 are rejected for failing to provide an adequate disclosure corresponding to the means plus function language found in the claims. See MPEP §2181(II).

A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis: (A) the claim limitations must use the phrase "means for" or "step for;" (B) the "means for" or "step for" must be modified by functional language; and (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function. MPEP §2181(I). The proper test for

determining whether the means plus function language is adequately described is that the corresponding structure of a means-plus-function limitation must be disclosed in the specification itself in a way that one skilled in the art will understand what structure will perform the recited function. See MPEP §2181(II). "If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." In re Donaldson Co., 16 F.3d 1189, 1195 (Fed. Cir. 1994) (in banc).

Here, claims 13-15 are presumed to invoke 35 U.S.C. §112, sixth paragraph because all three prongs are met by the claims. As to the first, the claims clearly recite "means for" language. As to the second, each of the "means for" limitations are modified by functional language. For example, claim 13 recites "means for" the system "to collect," "means for querying," "means for remotely displaying," and "means for manually provisioning." As to the third, none of the means for limitations are modified by any structure. Therefore, claims 13-15 are presumed to invoke 35 U.S.C. §112, sixth paragraph.

However, Applicant's specification is silent as to any structure that corresponds to the claimed means in claims 13-15. There is no guidance provided to one of ordinary skill in the art as to how to interpret or understand the means being claimed. Therefore, claims 13-15 are rejected under 35 U.S.C. §112, 2nd paragraph for failing to particularly point out and distinctly claim the invention.

Art Unit: 2152

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8› Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer et al, U.S Patent No. 6.490.620 ["Ditmer"], in view of Nicoll et al, U.S Patent No. 6.356.563 ["Nicoll"], in further view of Ashton et al, U.S Patent No. 6.181.679 ["Ashton"].

9› As to claim 16, Ditmer discloses a computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to perform:

connecting a network management module to a network management system that stores identifiers associated with endpoints of virtual connections of a first network over a second network to obtain the identifiers [Fig.5, 12-13, Col.2, lines 28-67; Col.18, lines 10-44; Col.21, lines 15-44 | Figure 7 «item 296» | column 15 «lines 47-65»], the network management module residing within a web server [Figure 7 «item 280»], wherein the network management module [Figure 7 «item 296»]:

resides within a web server [Figure 7 «item 280»],

compiles the one or more existing identifiers upon receiving the request from the browser [column 15 «lines 47-65»], and

remotely displays the identifiers in a web page over the external third network

in response to the browser request [Fig. 11(f) – report for a specified port | column 23 «lines 25-27»]

querying the network management system with the network management module over the second network for the one or more existing identifiers related to a switch in the first network [Fig.5, 12-13, Col.2, lines 28-67; column 14 «lines 33-42» | column 21 «lines 28-45»]; and

provisioning a source identifier and a destination identifier for a new virtual connection between logical ports [column 13 «lines 51-56» | column 21 «lines 37-43»].

While Ditmer does not expressly disclose the all of the headings in one table, Ditmer does disclose that the reports are customizable by the user [abstract : "ad-hoc report customization" | column 11 «lines 14-21»]. Thus, the limitation of viewing various parameters of a port under several fields in one table is merely a matter of design choice and is not a feature that patentably distinguishes the claimed invention over the prior art.

Ditmer does not expressly disclose: (a) storing the identifier prior to the request from the web browser nor does he disclose: (b) viewing the one or more existing identifiers by a service technician and choosing, by the technician, both the source identifier and the destination identifier to create the new permanent virtual connection where the source identifier and the destination identifier differs from each of the displayed existing identifiers.

10› In regards to (a), Ashton is directed towards network management system that centrally stores virtual connection information and is accessible by various network modules over multiple networks [Figure 1 | column 2 «line 64» to column 3 «line 16» | column 4 «line

66» to column 5 «line 3»]. Ashton's system is comparable to the network management system in Ditmer in that a user is enabled to retrieve virtual connection information, including identifiers, and provisioning these identifiers [see Ashton, column 3 «lines 10-43»].

Ashton expressly discloses a network management system containing the identifier stored prior to the module communicating for the identifier [column 3 «lines 1-9» | column 5 «lines 40-52» | column 7 «lines 24-32» where: the virtual connection information is stored as "vectors" at the network management system]. As discussed previously, Ditmer disclosed functionality of providing reports from the previous 45 days suggesting storing of the identifiers. Ashton explicitly discloses such functionality and provides further motivation to modify Ditmer central management system to store the identifiers before they are requested such that it can efficiently manage the nodes within the networks [see Ashton, column 3 «lines 59-67»].

11› In regards to (b), it is noted that Ditmer does disclose that a service technician creates the permanent virtual connection by choosing source and destination identifiers [column 13 «lines 51-56»]. Ditmer however does not disclose choosing source identifiers and destination identifiers that do not conflict with already assigned identifiers.

Nicoll is directed towards assigning global DLCIs to various permanent connections that span multiple networks [abstract]. Nicoll expressly discloses displaying an existing identifier in a web page [column 11 «lines 38-41»] and discloses choosing, by the technician, both the source identifier and the destination identifier to create the new permanent virtual connection where the source identifier and the destination identifier differs from each of the

displayed existing identifiers [column 3 «lines 27-40» where : Nicoll expressly discloses that each DLCI for each connection must be unique and that any collisions (when more than one connection has the same DLCI) can be resolved manually (unique DLCIs assigned to the connection) to insure that each connection has different identifiers. The fact that identifiers can be manually provisioned to avoid collisions implies that the technician is aware of previously assigned identifiers (in order to avoid the collision)].

Thus, it is clear that the existing or assigned (see Applicant's claim 16) identifiers are displayed on the interface to allow manual reconfiguration of the DLCIs to avoid assigning the same DLCIs to different permanent connections. It would have been obvious to one of ordinary skill in the art to incorporate Nicoll's teachings into Ditmer's remote management system. The combination improves upon Ditmer by providing global identifier assignment functionality that insures each customer has their own unique identifiers [see Nicoll, column 2 «lines 22-24»].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C./
Examiner, Art Unit 2152

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/921,240	WRAPE, JASON WAYNE	
	Examiner	Art Unit	
	DOHM CHANKONG	2152	